

****SEALED****

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

PERSONAL AUDIO, LLC,

Plaintiff,

v.

APPLE, INC.,

Defendant.

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CIVIL ACTION No. 9:09CV111

JUDGE RON CLARK

**ORDER GRANTING DEFENDANT'S NON-PRIMARY MOTION
FOR SUMMARY JUDGMENT OF NO WILLFUL INFRINGEMENT**

Plaintiff Personal Audio, LLC ("Personal Audio") brings suit against Defendant Apple, Inc. ("Apple") alleging infringement of two patents. Apple moves for summary judgment of no willful infringement. Personal Audio stipulates to entry of summary judgment of no willful infringement.¹ [See Doc. #337.] Accordingly, Apple's Non-Primary Motion for Summary Judgment of No Willful Infringement [Doc. #327] is hereby **GRANTED**.

So **ORDERED** and **SIGNED** this **22** day of **June, 2011**.



Ron Clark, United States District Judge

¹ Personal Audio stated in its motion for sanctions for Apple's untimely production of over 6,300 pages of documents on the eve of trial that it was "assessing whether to withdraw its notice of no willful infringement in light of [the] newly produced documents." [Doc. #413 at 13 n.8.] The final pretrial hearing was held on June 21, 2011, and Personal Audio gave no indication at the hearing that it had decided to withdraw its stipulation. Jury selection is set to begin on June 23, 2011, and as of 9:00 a.m. on June 22, 2011, no notice of withdrawal has been filed.